

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby repeals the note following PI 5.035 (6); amends PI 5.035 (2), (5) and (6), PI 5.04, and PI 5.05 (1) (a); and creates PI 5.037, relating to high school equivalency diplomas and certificates of general educational development.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.29 (4), 118.15 (1) (cm) and 227.11 (2) (a), Stats.

Statute interpreted: s. 115.29 (4), Stats.

Section 115.29 (4), Stats., allows the state superintendent to establish the standards by which high school graduation equivalency is determined. The state superintendent issues a general educational development (GED) certificate and a high school equivalency diploma (HSED). To receive either the GED certificate or HSED, candidates must pass the GED test battery. The passing test scores are determined by the state superintendent and established in rule under ch. PI 5. The proposed rules modify Chapter PI 5 to reflect national GED test score changes made to the program and state fee charges allowed under the program. These modifications resulted from the following:

- The 2002 Series GED Test content and the standard score scale used to determine passing scores changed dramatically from the 1988 series. Previously, the GED test scale ranged from a minimum of 20 to a maximum of 80 with a passing score set at 40 and an average of 45 on the five tests (reading, writing, mathematics, science and social studies) in the battery. The 2002 Series GED test scale ranges from a minimum of 200 to a maximum of 800. The proposed rule requires a passing standard score be not less than 410 on each of the five tests, with an average of 450 on the five tests in the battery. The 410 minimum score represents a 6% increase in performance expectations on the mathematics test, a 2% increase in performance expectations on the reading test, and a 3% increase in performance expectations on the science test.
- 2003 Wisconsin Act 33, the 2003-2005 biennial budget, allows the state superintendent to promulgate rules establishing fees for issuing a GED certificate or HSED. The rules may provide exemptions from the fees based on financial need. The fee will be charged to an individual applying for a GED certificate or HSED on or after January 1, 2004. GED/HSED fees were not charged in the past but are now allowed and necessary because the Act eliminated general purpose revenue (GPR) used to support GED program administration. Administration funds are necessary to operate the GED program and include approving test accommodations; opening, monitoring and closing test centers; reviewing and approving alternative curriculum; reviewing and approving credential awards; and issuing GED/HSED credentials.

The department promulgated these rules as emergency rules effective January 2, 2004.

SECTION 1. PI 5.035 (2), (5) and (6) are amended to read:

5.035 (2) The state superintendent shall determine the general educational development test passing score on each subtest and a passing ~~aggregate~~ average test score. The ~~aggregate~~ average test score and the score for each subtest shall be set at or above the minimum standard established by the general educational development testing service of the American council on education.

(5) The state superintendent shall appoint a task force representing business, labor, education interest groups, students, counselors, teachers, and other interested persons to advise the state superintendent in establishing a general educational development test passing score on each subtest and a passing ~~aggregate average~~ score.

(6) Based on the process specified under ~~sub. (3) (b)~~ sub. (3), the state superintendent establishes the general educational development subtest and test passing scores as follows:

(a) A minimum standard score of no less than ~~40~~ 410 shall be required on each subtest in the battery of 5 subtests; and

(b) A total ~~aggregate average~~ score of the 5 subtests may not be less than ~~230~~ 450.

SECTION 2. The note following PI 5.035 (6) is repealed.

SECTION 3. PI 5.037 is created to read:

PI 5.037 Certificate of general educational development and high school equivalency diploma fees. (1) The state superintendent shall establish fees for issuing a certificate of general educational development or a high school equivalency diploma sufficient to fund program implementation and administration costs to the department under this chapter. The state superintendent may provide fee exemptions based on financial need.

(2) If the fee under sub. (1) is modified, the department shall submit the proposed fee change to the assembly and senate committees having jurisdiction over kindergarten through grade 12 public education for review.

NOTE: GED/HSED fee, fee exemption, and fee reduction information is available on the department's web site at <http://www.dpi.state.wi.us/dpi/dlsis/let/gedhsed.html> or may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

SECTION 4. PI 5.04 is amended to read:

PI 5.04 Certificate of general educational development. The state superintendent shall grant a certificate of general educational development to a person who meets the requirements under s. PI 5.03 and completes the general educational development test with a passing score on each subtest and a passing ~~aggregate average~~ score as determined by the state superintendent.

SECTION 5. PI 5.05 (1) (a) is amended to read:

PI 5.05 (1) (a) Has completed the general educational development test with a passing score on each subtest and a passing ~~aggregate average~~ score as determined by the state superintendent.

SECTION 6. CROSS REFERENCE CHANGES. In the sections of the rules listed in Column A, the cross-references shown in Column B are changed to the cross-references in Column C:

A Rule Sections	B Old Cross-References	C New Cross-References
PI 5.01 (1)	s. 115.29 (4), Stats.	s. 115.29 (4) (a), Stats.
PI 5.02 (6m)	s. 115.29 (4), Stats.	s. 115.29 (4) (a), Stats.
PI 5.02 (9)	s. 115.29 (4), Stats.	s. 115.29 (4) (a), Stats.
PI 5.035 (1) (b) 1.	par. (b)	par. (b) 2.

SECTION 7. INITIAL APPLICABILITY. (1) Except as specified under sub. (2), the treatment of this chapter first applies to persons taking any general educational development subtest on or after the effective date of this rule.

(2) The treatment of s. PI 5.037 first applies to persons applying for a certificate of general educational development or a high school equivalency diploma on or after January 1, 2004.

SECTION 8. NOTE TO REVISOR. (1) Please insert a return to make s. PI 5.02 (6m) a separate subsection.

(2) Please eliminate the period prior to s. PI 5.035 (1) (b) .1.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this _____ day of March, 2004

Elizabeth Burmaster
State Superintendent